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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**CISCO'S ADMINISTRATIVE MOTION
TO FILE UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO'S RESPONSE
TO ARISTA'S SUPPLEMENTAL
PROPOSED DISCOVERY PLAN**

DEMAND FOR JURY TRIAL

Pursuant to Civil L.R. 79-5, Plaintiff Cisco Systems, Inc. ("Cisco") respectfully requests an order granting leave to file under seal the portions of the document listed below:

Document	Portions to Be Filed Under Seal	Designator
Cisco's Response to Arista's Supplemental Proposed Discovery Plan ("Cisco's Brief")	As highlighted in yellow in the version filed herewith, portions of pages: 3 at lines 17-19; 6 at lines 16-18 and lines 21-25; 7 at lines 19-21.	Arista
Cisco's Brief	As highlighted in blue in the version filed herewith, portions of pages: 6 at line 26 through 7 at line 2.	Juniper
Exhibit 5 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed Supplemental Discovery Plan ("Exhibit 5")	Entire.	Arista
Exhibit 6 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed Supplemental Discovery Plan ("Exhibit 6")	Entire.	Arista
Exhibit 7 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed Supplemental Discovery Plan ("Exhibit 7")	Entire.	Arista
Exhibit 9 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed Supplemental Discovery Plan ("Exhibit 9")	Entire.	Arista
Exhibit 10 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed	Entire.	Juniper

Supplemental Discovery Plan (“Exhibit 10”)		
Exhibit 12 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 12”)	Entire.	Arista
Exhibit 13 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 13”)	Entire.	Arista
Exhibit 14 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 14”)	Entire.	Arista
Exhibit 15 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 15”)	Entire.	Arista
Exhibit 17 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan (“Exhibit 17”)	Entire.	Arista

I. LEGAL STANDARD

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir.

2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law”(*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. DESIGNATED CONFIDENTIAL INFORMATION

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Matthew D. Cannon in support of this Administrative Motion to File Under Seal (“Cannon Declaration”). The information sought to be sealed has been directly designated by Defendant Arista Networks, Inc. (“Arista”) or third-party Juniper Networks, Inc. (“Juniper”) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 53). Cisco does not believe that the information so designated by Arista meets the good cause standard to be sealed. Cisco takes no position on whether the information so designated by third-party Juniper warrants sealing. Cisco has narrowly tailored its request to seal only the information so designated by Arista or Juniper as the basis for this request as articulated in the Cannon Declaration.

Cisco expects that Arista and Juniper will file the required supporting declarations in accordance with Civil Local Rule 79-5(e), as necessary, to confirm that the information contained in the above referenced document should be sealed.

III. CONCLUSION

Concurrently with this Motion, Cisco is filing redacted and highlighted versions of the above-referenced documents indicating the specific portions Cisco seeks to seal.

DATED: February 16, 2016

Respectfully submitted,

/s/ Sean S. Pak

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